

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Proceeding by the Department of Telecommunications and Energy on its own Motion to Implement the Requirements of the Federal Communications Commission's Triennial Review Order Regarding Switching for Large Business Customers Served by High-Capacity Loops

**D.T.E. 03-59**

**PAETEC COMMUNICATIONS, INC. LATE FILED PETITION  
TO INTERVENE AS A LIMITED PARTICIPANT**

Pursuant to 220 C.M.R. §§ 1.01(4) and 1.03, counsel for PAETEC Communications, Inc. ("PAETEC") hereby petitions the Department of Telecommunications and Energy ("Department") for leave to intervene as a limited participant in the above-referenced proceeding, stating in support thereof the following:

1. In Massachusetts, PAETEC provides telecommunications services as a Competitive Local Exchange Carrier ("CLEC") and interexchange carrier.

3. On August 26, 2003, the Department initiated this 90 day proceeding to implement the FCC's Triennial Review Order regarding switching for large business customers served by high-capacity loops. On September 9, 2003, the Department held that the investigation will proceed based upon filings submitted by various CLECs on September 5, 2003.

4. PAETEC requests that it be permitted to intervene as limited participant to present its position on an issue of interest to the Department. PAETEC is substantially and specifically affected by this proceeding because it and its customers are customers and competitors of Verizon. Any decisions related to enterprise switching directly affect PAETEC's ability to compete with Verizon.

5. PAETEC has reviewed a copy of the Joint DSCI and InfoHighway Verified Offer of Proof on DS-1 Switching Impairment, dated October 15, 2003, and wishes to support portions of that pleading with additional information. PAETEC does not seek to introduce any new issues decided in earlier stages of this case.

6. PAETEC will take the record as it stands and its intervention at this time would be in the interests of justice because it will not delay the proceeding or prejudice any party. Nor will it prevent the Department from conducting the proceeding in a complete, efficient, and orderly fashion.

7. PAETEC has good cause for not petitioning the Department before now and respectfully asks the Department to grant its application to intervene as a limited participant at this time. In its role as a limited participant, PAETEC has not sought to introduce any new issues, instead seeking only to supplement the record in those cases in which it is in a position to offer useful information regarding established issues. Now that more active parties, specifically DSCI and InfoHighway, have helped shape the debate, PAETEC has determined that it can make a useful contribution.

8. PAETEC's participation in this phase of the proceeding falls closely on the heels of the DSCI/InfoHighway Offer of Proof and is short and succinct. It will therefore not delay the proceeding or prejudice any party.

9. All communications and correspondence for this proceeding should be directed to the undersigned.

**WHEREFORE**, PAETEC respectfully requests that the Department permit it to intervene in this proceeding as a limited participant.

Respectfully submitted,

/s/ Harry N. Malone

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